

REMARKS

This is in response to the third Action (post-RCE non-final) dated June 14, 2010. Applicant has amended the application as set forth above. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1, 3, 7, and 8 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected Claim 4 under 35 U.S.C. §102(b) as being anticipated by Hires (US 2,254,893). Applicant respectfully disagrees with the Examiner. However, since Claim 4 was canceled without prejudice already as confirmed by the Examiner, the rejection is now moot, and Applicant respectfully request the withdrawal of the rejection.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 1, 3, 7, and 8 under 35 U.S.C. §103(a) as being unpatentable over Dick (US 1,495,953) in view of Hires (US 2,254,893). Applicant respectfully disagrees with the Examiner. However, in order to clarify the inventive points of the present invention, Applicant has amended Claims 1 and 7.

Claim 1 of Instant Application (*Emphasis added*)

A binder sheet, configured so that the binder sheet is removably inserted into a binder and is made of a transparent material, comprising:

a binding portion provided on a first side of the binder sheet;

a paper storing portion provided on a second side to store paper;

an upper horizontal band attached to an upper portion of the paper storing portion of the binder sheet, with left and right attachment lines vertically formed on left and right side edges of the upper horizontal band so as to keep an upper portion of the paper from loosening off the binder sheet; and

a lower horizontal band attached to a lower portion of the paper storing portion of the binder sheet, with left and right attachment lines vertically formed on left and right side edges of the lower horizontal band and a lower attachment line horizontally formed on a lower edge of the lower horizontal band so as to keep a lower portion of the paper from loosening off the binder sheet and falling downward through the lower horizontal band, wherein a pocket is defined by the left and right attachment lines and the lower attachment line,

wherein each of the upper horizontal band and the lower horizontal band has a predetermined width such that the binder sheet exposes substantially large portions of the paper other than portions covered by the upper and lower horizontal bands and allows a user to write on the paper without taking the paper out of the binder sheet, and minimizes reflecting light from the binder sheet interfering viewing the paper,

wherein an interval between the upper horizontal band and the lower horizontal band is determined by a size of paper to be stored,

wherein a height of the lower horizontal band is larger than a height of the upper horizontal band.

Claims 1 and 7 of the present invention are directed to a binder sheet having bands for holding papers, in which the binder sheet comprises an upper horizontal band (10) and the lower horizontal band (10') for securing paper to be stored.

The inventive features of the invention provide a binder sheet enabling a user to write or scribble on a paper inserted into the binder sheet without taking out the paper from the binder sheet. This advantage can be obtained due to the structural features of the invention (the upper and lower horizontal bands configured to cover the inserted paper minimally).

The above inventive structural features of the present invention are shown as emphasized by underlines in Claim 1 shown with emphasis in the above:

- i) an upper horizontal band with a predetermined width;
- ii) a lower horizontal band with a predetermined width;
- iii) a pocket defined by the left and right attachment lines and the lower attachment line;
- iv) an interval between the upper horizontal band and the lower horizontal band is determined by a size of paper to be stored; and

v) a height of the lower horizontal band is larger than a height of the upper horizontal band.

All the above structural features are incorporated in the binder sheet according to the present invention, in order to accomplish the above advantage: enabling a user to write on the paper inserted into the binder sheet without taking out the paper from the binder sheet.

More specifically, each of the horizontal bands (10, 10', 50, 50') has a predetermined width to optimize the advantage of the present invention. (See Figs. 2 and 7; paragraph [24] of the application publication)

The lower horizontal band (10', 50') includes left and right attachment lines (11', 12', 60', 61') and a lower attachment line (13', 62'), which defines a pocket in the lower horizontal band (10', 50'), and the height of the lower horizontal band (10', 50') is larger than a height of the upper horizontal band (10, 50), and the interval between the upper horizontal band (10, 50) and the lower horizontal band (10', 50') is determined by a size of paper to be stored. (See Figs. 2 and 7; page 4, lines 1-5 and 9-18). (See Figs. 2 and 7; page 4, lines 1-5)

In contrast, **Dick** discloses a loose leaf double pocket which has two large pockets (3, 4) on both side of a leaf (1) for inserting papers. Each of the pockets (3, 4) is suitable for accepting one or more papers and holding them in place.

Especially, Dick's device has a single pocket for accepting and holding the one or more papers inside. That is why each of the pockets (3, 4) is so large. That is, the pocket (3, 4) is the only accepting and holding structure. The pockets (3, 4) must be large, and maybe for the same reasons the pocket opening is slanted upward at the outer side.

Therefore, with the Dick's device it is impossible to write or scribble on a vast portion of the paper inserted to the Dick's device.

On the other hand, **Hires** discloses an album leaf, which includes strips (13, 14) passing through the openings (10, 11, 12).

However, since the Dick's device has a large pocket in it already, there is **no need to combine** Dick's device with anything like the strips (13) of Hires. Dick's extra-large pockets (3, 4) are big and strong enough to accept and hold them in place.

Furthermore, Hires does *not* disclose anything like the lower horizontal band of the present invention. The flap (9) may perform a function of limiting the horizontal movement some of the articles (5, 6), but does not form or include anything like a pocket defined by the vertical and horizontal attachment lines as in the present invention.

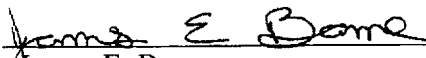
Therefore, Dick's big and strong pockets (3, 4) prevent the user from writing on the paper inserted in the pockets (3, 4), and Hires does not cure the deficiency of Dick. There is no motivation for combining Hires with Dick. Withdrawal of the rejections is respectfully requested.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that Claims 1, 3, 7 and 8 are in condition for allowance, and such action is respectfully solicited, if required, under the *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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